

Amendments to House Bill No. 188
3rd Reading Copy

Requested by Senator Greg Jergeson

For the Senate Energy and Telecommunications Committee

Prepared by Sonja Nowakowski
March 22, 2013 (8:52am)

1. Title, page 1, line 9.

Following: "UTILITIES;"

Insert: "REQUIRING A COMMISSION-APPROVED PROCESS FOR EVALUATING
CERTAIN QUALIFYING SMALL POWER PRODUCTION FACILITY
CONTRACTS;"

Strike: "SECTION"

Insert: "SECTIONS"

Following: "69-3-603"

Insert: "AND 69-3-604"

2. Page 3.

Following: line 7

Insert: "Section 2. Section 69-3-604, MCA, is amended to read:

"69-3-604. (Temporary) Standards for determination of rates
and conditions -- evaluation process. (1) The commission shall
determine the rates and conditions of the contract for the sale
of electricity by a qualifying small power production facility
according to the standards in subsections (2) through (5).

(2) Long-term contracts for the purchase of electricity by
the utility from a qualifying small power production facility
must be encouraged in order to enhance the economic feasibility
of qualifying small power production facilities.

(3) The rates to be paid by a utility for electricity
purchased from a qualifying small power production facility must
be established with consideration of the availability and
reliability of the electricity produced.

(4) The commission shall set these rates using the avoided
cost over the term of the contract.

(5) If a utility receives more than one request from a
qualifying small power production facility in a single month to
contract for the sale of electricity with the utility and the
requests will result in the utility exceeding the cap established
in 69-3-603(3)(b)(v), the utility shall follow a commission-
approved process for evaluating the requests before entering into
a contract with a qualifying small power production facility.

(5) The commission may adopt rules further defining the
criteria for qualifying small power production facilities, their
cost-effectiveness, requirements for the evaluation process
referred to in subsection (5), and other standards. (Repealed on
occurrence of contingency--secs. 1, 3, Ch. 284, L. 2003--see part

compiler's comment.)"

{ Internal References to 69-3-604:

69-3-603x }"

Insert: "NEW SECTION. **Section 3. {standard} Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Renumber: subsequent sections

- END -

Explanation - QF contracts would be evaluated on a first-come, first-served basis. However, if the utility received multiple requests before meeting the cap established in HB 188, the utility would have to follow a commission-approved process for determining which contract was selected.